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HOUSE BILL 475

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

INTRODUCED BY

George J. Hanosh

AN ACT

RELATING TO MOTOR VEHICLES; CREATING AN AUTO RECYCLER LICENSE TO REPLACE A WRECKER OF VEHICLES LICENSE; LIMITING THE PERSONS WHO CAN APPLY FOR AND THE TIME FRAME IN WHICH TO APPLY FOR AN AUTO RECYCLER LICENSE; AMENDING AND ENACTING SECTIONS OF THE NMSA 1978.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 66-1-4.1 NMSA 1978 (being Laws 1990, Chapter 120, Section 2, as amended) is amended to read:

"66-1-4.1. DEFINITIONS. -- As used in the Motor Vehicle Code:

A. "abandoned vehicle" means a vehicle or motor vehicle that has been determined by a New Mexico law enforcement agency:

- (1) to have been left unattended on either

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1 public or private property for at least thirty days;

2 (2) not to have been reported stolen;

3 (3) not to have been claimed by any person
4 asserting ownership; and

5 (4) not to have been shown by normal record
6 checking procedures to be owned by any person;

7 B. "access aisle" means a space designed to allow a
8 person with severe mobility impairment to safely exit and enter
9 a motor vehicle and that is immediately adjacent to a
10 designated disabled parking space and that may be common to two
11 such parking spaces of at least sixty inches in width or, if
12 the parking space is designed for van accessibility, ninety-six
13 inches in width, and clearly marked with blue striping;

14 C. "additional place of business", for dealers and
15 ~~[wreckers of vehicles]~~ auto recyclers, means locations in
16 addition to an established place of business as defined in
17 Section 66-1-4.5 NMSA 1978 and meeting all the requirements of
18 an established place of business, except Paragraph (5) of
19 Subsection B of Section 66-1-4.5 NMSA 1978, but "additional
20 place of business" does not mean a location used solely for
21 storage and that is not used for wrecking, dismantling, sale or
22 resale of vehicles;

23 D. "alcoholic beverages" means any and all
24 distilled or rectified spirits, potable alcohol, brandy,
25 whiskey, rum, gin, aromatic bitters or any similar alcoholic

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1 beverage, including all blended or fermented beverages,
2 dilutions or mixtures of one or more of the foregoing
3 containing more than one-half [~~of one~~] percent alcohol but
4 excluding medicinal bitters; [~~and~~]

5 E. "authorized emergency vehicle" means any fire
6 department vehicle, police vehicle, ambulance and any emergency
7 vehicles of municipal departments or public utilities that are
8 designated or authorized as emergency vehicles by the director
9 of the New Mexico state police division of the department of
10 public safety or local authorities; and

11 F. "auto recycler" means a person engaged in this
12 state in an established business that includes acquiring
13 vehicles that are required to be registered under the Motor
14 Vehicle Code for the purpose of dismantling, wrecking,
15 shredding, compacting, crushing or otherwise destroying
16 vehicles for reclaimable parts or scrap material to sell."

17 Section 2. Section 66-1-4.5 NMSA 1978 (being Laws 1990,
18 Chapter 120, Section 6) is amended to read:

19 "66-1-4.5. DEFINITIONS.--As used in the Motor Vehicle
20 Code:

21 A. "essential parts" means all integral and body
22 parts of a vehicle of a type required to be registered by the
23 provisions of the Motor Vehicle Code, the removal, alteration
24 or substitution of which would tend to conceal the identity of
25 the vehicle or substantially alter its appearance, model, type

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1 or mode of operation;

2 B. "established place of business", for a dealer or
3 [~~wrecker of vehicles~~] auto recycler, means a place:

4 (1) devoted exclusively to the business for
5 which the dealer or [~~wrecker~~] auto recycler is licensed and
6 [~~the~~] related business [~~incidental thereto~~];

7 (2) identified by a prominently displayed sign
8 giving the dealer's or [~~wrecker's~~] auto recycler's trade name
9 used by the business;

10 (3) of sufficient size or space to permit the
11 display of one or more vehicles or to permit the parking or
12 storing of vehicles to be dismantled or wrecked for recycling;

13 (4) on which there is located an enclosed
14 building on a permanent foundation, which building meets the
15 building requirements of the community and is large enough to
16 accommodate the office or offices of the dealer or [~~wrecker~~]
17 recycler and large enough to provide a safe place to keep the
18 books and records of the dealer or [~~wrecker~~] auto recycler;

19 (5) where the principal portion of the
20 business of the dealer or [~~wrecker~~] auto recycler is conducted
21 and where the books and records of the business are kept and
22 maintained; and

23 (6) where vehicle sales are of new vehicles
24 only, such as a department store or a franchisee of a
25 department store, as long as the department store or franchisee

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1 keeps the books and records of its vehicle business in a
2 general office location at its place of business; as used in
3 this paragraph, "department store" means a business that offers
4 a variety of merchandise other than vehicles, and sales of the
5 merchandise other than vehicles constitute at least eighty
6 percent of the gross sales of the business; and

7 C. "explosives" means any chemical compound or
8 mechanical mixture that is commonly used or intended for the
9 purpose of producing an explosion and that contains any
10 oxidizing and combustive units or other ingredients in such
11 proportions, quantities or packing that an ignition by fire,
12 friction, concussion, percussion or detonator of any part of
13 the compound or mixture may cause such a sudden generation of
14 highly heated gases that the resultant gaseous pressures are
15 capable of producing destructive effects on contiguous objects
16 or of destroying life or limb."

17 Section 3. Section 66-1-4.19 NMSA 1978 (being Laws 1990,
18 Chapter 120, Section 20) is amended to read:

19 "66-1-4.19. DEFINITIONS. -- As used in the Motor Vehicle
20 Code:

21 A. "validating sticker" means the tab or sticker
22 issued by the division to signify, upon a registration plate,
23 renewed registration;

24 B. "vehicle" means every device in, upon or by
25 which any person or property is or may be transported or drawn

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1 upon a highway, including any frame, chassis or body of any
2 vehicle or motor vehicle, except devices moved exclusively by
3 human power or used exclusively upon stationary rails or
4 tracks; and

5 C. "vehicle-business number" means the distinctive
6 registration number given by the division to any manufacturer,
7 ~~[wrecker of vehicles]~~ auto recycler or dealer. "

8 Section 4. Section 66-1-4.20 NMSA 1978 (being Laws 1990,
9 Chapter 120, Section 21) is amended to read:

10 "66-1-4.20. DEFINITIONS.--As used in the Motor Vehicle
11 Code:

12 A. "wholesaler" means any person, except a person
13 making a casual sale of the person's own vehicle, who sells or
14 offers for sale vehicles of a type subject to registration in
15 this state, to a vehicle dealer who is licensed under the Motor
16 Vehicle Code or who is franchised by a manufacturer,
17 distributor or vehicle dealer; provided, however, that if any
18 person except a person making a casual sale of the person's own
19 vehicle also sells a vehicle at retail, that person shall be
20 deemed to be a dealer and is subject to the dealer-licensing
21 provisions of the Motor Vehicle Code; and

22 ~~[B. "wrecker of vehicles" means every person
23 actively engaged in the business of acquiring vehicles that are
24 required to be registered under the Motor Vehicle Code for the
25 purpose of dismantling such vehicles as scrap material or for~~

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1 ~~the resale of reclaimable parts and who, for those purposes,~~
2 ~~maintains within this state an established place of business;~~
3 and

4 ~~€.]~~ B. "written clearance from a law enforcement
5 agency" means any written statement signed by a full-time,
6 salaried law enforcement officer stating that a check has been
7 made of the law enforcement agency's records and the
8 computerized records of the national crime information center
9 and that the check of records indicates that the vehicle or
10 motor vehicle in question has not been reported stolen. "

11 Section 5. Section 66-3-401 NMSA 1978 (being Laws 1978,
12 Chapter 35, Section 80, as amended) is amended to read:

13 "66-3-401. OPERATION OF VEHICLES UNDER SPECIAL DEALER
14 PLATES. --

15 A. Any vehicle that is required to be registered
16 pursuant to the Motor Vehicle Code and that is included in the
17 inventory of [~~a wrecker of vehicles~~] an auto recycler or dealer
18 may be operated or moved upon the highways for any purpose,
19 provided that the vehicle display in the manner prescribed in
20 Section 66-3-18 NMSA 1978 a special plate issued to the dealer
21 or [~~wrecker of vehicles~~] auto recycler as provided in Section
22 66-3-402 NMSA 1978. This subsection shall not be construed as
23 limiting the use of temporary permits issued to dealers
24 pursuant to Section 66-3-6 NMSA 1978.

25 B. The provisions of this section do not apply to

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1 work or service vehicles used by [~~a wrecker of vehicles~~] an
2 auto recycler or dealer. For the purposes of this subsection,
3 "work or service vehicle" includes any vehicle used
4 substantially as a:

- 5 (1) parts or delivery vehicle;
- 6 (2) vehicle used to tow another vehicle;
- 7 (3) courtesy shuttle; or
- 8 (4) vehicle loaned to customers for their
9 convenience.

10 C. Each vehicle included in a dealer's inventory
11 required to be registered pursuant to the provisions of
12 Subsection A of this section must conform to the registration
13 provisions of the Motor Vehicle Code, but is not required to be
14 titled pursuant to the provisions of that code. When [~~any~~] a
15 vehicle is no longer included in a dealer's inventory, and is
16 not sold or leased to an unrelated entity, the dealer must
17 title the vehicle and pay the motor vehicle excise tax that
18 would have been due when the vehicle was first registered by
19 the dealer.

20 D. In lieu of the use of special dealer plates
21 pursuant to this section, a dealer or [~~wrecker~~] auto recycler
22 may register and title a vehicle included in a dealer's
23 inventory in the name of the dealer or [~~wrecker~~] auto recycler
24 upon payment of the registration fee applicable to that
25 vehicle, but without payment of the motor vehicle excise tax,

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1 provided the vehicle is subsequently sold or leased in the
2 ordinary course of business in a transaction subject to the
3 motor vehicle excise tax or the leased vehicle gross receipts
4 tax. "

5 Section 6. Section 66-3-402 NMSA 1978 (being Laws 1978,
6 Chapter 35, Section 81, as amended) is amended to read:

7 "66-3-402. APPLICATION FOR SPECIAL DEALER PLATES. --

8 A. [~~Any wrecker of vehicles~~] An auto recycler or
9 dealer may apply to the department upon the appropriate form
10 for one or more special dealer plates. The applicant shall
11 submit proof of [~~his status as~~] being a bona fide [~~wrecker of~~
12 ~~vehicles~~] auto recycler or dealer as may reasonably be required
13 by the department.

14 B. The maximum number of special dealer plates for
15 which a dealer of new or used motor vehicles or motorcycles may
16 apply pursuant to this section shall be:

17 (1) for a dealer who sold in the previous
18 calendar year five or more but fewer than fifty vehicles, one
19 plate;

20 (2) for a dealer who sold in the previous
21 calendar year more than fifty but fewer than one hundred
22 vehicles, three plates;

23 (3) for a dealer who sold in the previous
24 calendar year more than one hundred but fewer than five hundred
25 vehicles, five plates; and

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1 (4) for a dealer who sold in the previous
2 calendar year five hundred or more vehicles, ten plates.

3 C. The maximum number of special dealer plates for
4 which [~~a wrecker or dismantler of new or used motor vehicles or~~
5 ~~motorcycles~~] an auto recycler may apply pursuant to this
6 section shall be:

7 (1) for [~~a wrecker or dismantler~~] an auto
8 recycler who wrecked or dismantled three or more but fewer than
9 fifty vehicles, one plate;

10 (2) for [~~a wrecker or dismantler~~] an auto
11 recycler who wrecked or dismantled fifty or more but fewer than
12 one hundred vehicles, three plates;

13 (3) for [~~a wrecker or dismantler~~] an auto
14 recycler who wrecked or dismantled one hundred or more but
15 fewer than five hundred vehicles, five plates; and

16 (4) for [~~a wrecker or dismantler~~] an auto
17 recycler who wrecked or dismantled five hundred vehicles or
18 more, ten plates.

19 D. [~~Any~~] A dealer or [~~wrecker~~] auto recycler shall
20 be entitled to five plates in the first calendar year in which
21 [~~he~~] it begins business. [~~Any~~] A dealer or [~~wrecker~~] auto
22 recycler who is licensed pursuant to the provisions of Section
23 66-4-1 NMSA 1978 on or after August 1 of any calendar year
24 shall also be entitled to five plates in the calendar year
25 following the year in which [~~he~~] it is first licensed to do

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1 business.

2 E. The department upon granting [~~any such~~]
3 application shall issue to the applicant a certificate
4 containing the applicant's name and address and the numbers of
5 the special dealer plates assigned to the applicant. "

6 Section 7. Section 66-3-404 NMSA 1978 (being Laws 1978,
7 Chapter 35, Section 83, as amended) is amended to read:

8 "66-3-404. SPECIAL VEHICLE-BUSINESS PLATES NOT
9 TRANSFERABLE. --

10 A. Special vehicle-business plates issued to a
11 manufacturer, [~~a wrecker of vehicles~~] auto recycler or dealer
12 are not transferable.

13 B. Whenever the holder of special vehicle-business
14 plates ceases operation for any reason, the current special
15 vehicle-business plates issued to him shall be surrendered to
16 the division. "

17 Section 8. Section 66-4-1 NMSA 1978 (being Laws 1978,
18 Chapter 35, Section 214, as amended) is amended to read:

19 "66-4-1. DEALERS, [~~WRECKERS~~] WHOLESALERS AND DISTRIBUTORS
20 OF VEHICLES AND TITLE SERVICE COMPANIES MUST BE LICENSED--
21 PRESUMPTION OF CONDUCTING BUSINESS. --

22 A. A person, unless licensed to do so by the
23 department, shall not carry on or conduct the active trade or
24 business of:

25 (1) a dealer in motor vehicles of a type

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1 subject to registration pursuant to the Motor Vehicle Code,
2 including:

3 (a) trailers, but not trailers sold as
4 kits;

5 (b) recreational vehicles designed to be
6 towed; and

7 (c) motorcycles over fifty-five cubic
8 centimeters;

9 ~~[(2) dismantling any vehicle for the resale of~~
10 ~~the parts. Any person possessing three or more wrecked,~~
11 ~~dismantled or partially wrecked or dismantled vehicles and~~
12 ~~selling or offering for sale a used vehicle part and who~~
13 ~~regularly sells or offers for sale used vehicles or used~~
14 ~~vehicle parts shall be presumed to be conducting the business~~
15 ~~of wrecking or dismantling a vehicle for the resale of the~~
16 ~~parts;~~

17 ~~(3)]~~ (2) wholesaling of vehicles. Any person
18 who sells or offers for sale vehicles of a type subject to
19 registration in this state, to a vehicle dealer licensed
20 pursuant to the Motor Vehicle Code or who is franchised by
21 a manufacturer, distributor or vehicle dealer to sell or
22 promote the sale of vehicles dealt in by such manufacturer,
23 distributor or vehicle dealer shall be presumed to be
24 conducting the business of wholesaling;

25 ~~[(4)]~~ (3) distributing of vehicles. Any

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1 person who distributes or sells new or used motor vehicles to
2 dealers and who is not a manufacturer shall be presumed to be
3 conducting the business of distributing vehicles; or

4 [~~(5)~~] (4) a title service company. Any person
5 who for consideration prepares or submits applications for the
6 registration of or title to vehicles shall be presumed to be
7 engaging in the business of a title service company.

8 B. Application for a dealer, wholesaler,
9 distributor [~~or wrecker of vehicles license~~] or [a] title
10 service company license shall be made upon the form prescribed
11 by the department and shall contain the name and address of the
12 applicant and, when the applicant is a partnership, the name
13 and address of each partner or, when the applicant is a
14 corporation, the names of the principal officers of the
15 corporation and the state in which incorporated and the place
16 where the business is to be conducted and the nature of the
17 business and such other information as may be required by the
18 department. Every application shall be verified by the oath or
19 affirmation of the applicant, if an individual, or, in the
20 event an applicant is a partnership or corporation, by a
21 partner or officer of the partnership or corporation. Every
22 application shall be accompanied by the fee required by law.

23 [~~C. A metal processor or dealer in scrap who~~
24 ~~dismantles, processes for scrap, shreds, compacts, crushes or~~
25 ~~otherwise destroys more than three vehicles within a period of~~

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1 ~~one year shall be licensed pursuant to the provisions of~~
2 ~~Sections 66-4-1 through 66-4-9 NMSA 1978.~~

3 ~~D.-] C.~~ To ensure that a dealer, wholesaler,
4 distributor [~~wrecker of vehicles~~] or title service company
5 complies with this section, the secretary may apply to a
6 district court of this state to have a person operating without
7 a license as required by this section or operating without the
8 bond required by Section 66-4-7 NMSA 1978 enjoined from
9 engaging in business until that person complies with the
10 requirements of licensing as provided by this section and the
11 bonding requirements of Section 66-4-7 NMSA 1978.

12 ~~[E.-] D.~~ Upon application to a court for the
13 issuance of an injunction against an unlicensed person, the
14 court may issue an order temporarily restraining that person
15 from doing business. The court shall hear the matter within
16 three days and, upon a showing by the preponderance of the
17 evidence that the person is operating without a license and
18 that the person has been given notice of the hearing as
19 required by law, the court may enjoin the person from engaging
20 in business in New Mexico until the person ceases to be
21 unlicensed. Upon issuing an injunction, the court may also
22 order the business premises of the person to be sealed by the
23 sheriff and may allow the person access thereto only upon
24 approval of the court.

25 ~~[F.-] E.~~ A temporary restraining order shall not be

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1 issued against a person who has complied with the provisions of
2 this section. Upon a showing to the court by a person against
3 whom a temporary restraining order has been issued that [he]
4 the person has a license in accordance with the provisions of
5 this section, the court shall dissolve or set aside the
6 temporary restraining order. "

7 Section 9. A new section of the Motor Vehicle Code,
8 Section 66-4-1.1 NMSA 1978, is enacted to read:

9 "66-4-1.1. [NEW MATERIAL] AUTO RECYCLER LICENSE--
10 PRESUMPTION OF CONDUCTING BUSINESS. --

11 A. On or before October 28, 2005, a person desiring
12 to engage in the business of wrecking or dismantling vehicles
13 for the purpose of reselling parts or scrap material shall
14 apply to the department for an auto recycler license. A person
15 possessing three or more wrecked, dismantled or partially
16 wrecked or dismantled vehicles who regularly sells or offers
17 for sale used vehicle parts or vehicle scrap material within
18 the period of one year shall be presumed to be conducting
19 business as an auto recycler.

20 B. In addition to any other requirements of law for
21 an auto recycler license, an applicant shall have no felony
22 convictions and have a current dealer's or wrecker of vehicles
23 license as of July 1, 2005.

24 C. An auto recycler licensee shall not sell motor
25 vehicles of a type subject to registration pursuant to the

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1 Motor Vehicle Code.

2 D. Application for an auto recycler license shall
3 be made upon the form prescribed by the department and shall
4 contain the name and address of the applicant and, when the
5 applicant is a partnership, the name and address of each
6 partner or, when the applicant is a corporation, the names of
7 the principal officers of the corporation and the state in
8 which incorporated and the place where the business is to be
9 conducted and the nature of the business and such other
10 information as may be required by the department. Every
11 application shall be verified by the oath or affirmation of the
12 applicant, if an individual, or, in the event an applicant is a
13 partnership or corporation, by a partner or officer of the
14 partnership or corporation. Every application shall be
15 accompanied by the fee required by law.

16 E. To ensure that an auto recycler complies with
17 this section, the secretary may apply to a district court of
18 this state to have a person operating without a license as
19 required by this section or operating without the bond required
20 by Section 66-4-7 NMSA 1978 enjoined from engaging in business
21 until that person complies with the requirements of licensing
22 as provided by this section and the bonding requirements of
23 Section 66-4-7 NMSA 1978.

24 F. Upon application to a court for the issuance of
25 an injunction against an unlicensed person, the court may issue

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1 an order temporarily restraining that person from doing
2 business. The court shall hear the matter within three days
3 and, upon a showing by the preponderance of the evidence that
4 the person is operating without a license and that the person
5 has been given notice of the hearing as required by law, the
6 court may enjoin the person from engaging in business in New
7 Mexico until the person ceases to be unlicensed. Upon issuing
8 an injunction, the court may also order the business premises
9 of the person to be sealed by the sheriff and may allow the
10 person access to the premises only upon approval of the court.

11 G. A temporary restraining order shall not be
12 issued against a person who has complied with the provisions of
13 this section. Upon a showing to the court by a person against
14 whom a temporary restraining order has been issued that the
15 person has a license in accordance with the provisions of this
16 section, the court shall dissolve or set aside the temporary
17 restraining order. "

18 Section 10. Section 66-4-2 NMSA 1978 (being Laws 1978,
19 Chapter 35, Section 215, as amended) is amended to read:

20 "66-4-2. DEPARTMENT TO ISSUE LICENSE. --

21 A. The department, upon receiving application
22 accompanied by the required fee and when satisfied that the
23 applicant is of good character and, so far as can be
24 ascertained, has complied with and will comply with the laws of
25 this state with reference to the registration of vehicles and

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1 certificates of title and the provisions of the Motor Vehicle
2 Code, shall issue to the applicant a license [~~which~~] that
3 entitles the licensee to carry on and conduct the business of a
4 dealer, [~~wrecker of vehicles~~] auto recycler or title service
5 company, as the case may be, during the period for which the
6 license is issued. The license shall expire on the last day of
7 the period for which it is issued and may be renewed upon
8 application and payment of the fee required by law.

9 B. [~~Any~~] A dealer or [~~wrecker of vehicles~~] auto
10 recycler licensee, before moving any one or more of the
11 licensee's places of business or opening any additional place
12 of business, shall apply to the department for and obtain a
13 supplemental license for which no fee shall be charged. No
14 supplemental license shall be issued to a dealer, other than a
15 dealer in motorcycles, for an additional place of business
16 unless:

17 (1) the place of business is an established
18 place of business; or

19 (2) the ~~majority~~ of dealers, other than
20 dealers in motorcycles, in the county in which the proposed
21 additional place of business would be located have been offered
22 the opportunity, in documentation acceptable to the department,
23 to offer vehicles for sale at the proposed additional place of
24 business by the applicant; provided that the offer shall be for
25 sale of vehicles at all times at which the applicant proposes

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1 to sell vehicles and shall not be conditioned upon the payment
2 of any fee by any dealer to whom it is addressed greater than a
3 fair share of the actual expenses incurred.

4 C. [~~Any~~] A person to whom the department has issued
5 a license to conduct the business of a dealer in motorcycles is
6 deemed a wrecker of motorcycles without additional license.

7 D. The department is authorized to establish a
8 staggered system for licensing of dealers, wholesalers,
9 distributors and [~~wreckers of vehicles~~] auto recyclers and of
10 title service companies, provided that any license issued shall
11 expire on the last day of a month. During the initial
12 adjustment period of July 1, 1999 through December 31, 2000,
13 the department may issue licenses for periods less than twelve
14 months or up to twenty-one months to establish a more uniform
15 monthly pattern of expirations. For any license issued for a
16 period other than twelve months during the initial adjustment
17 period, the fee imposed pursuant to Section 66-6-18 NMSA 1978
18 shall be adjusted accordingly. After the initial adjustment
19 period, licenses issued shall be issued for a period of twelve
20 months. "

21 Section 11. Section 66-4-5 NMSA 1978 (being Laws 1978,
22 Chapter 35, Section 218, as amended) is amended to read:

23 "66-4-5. RECORDS OF PURCHASES, OF SALES AND OF VEHICLES
24 DISMANTLED. --

25 A. [~~Every~~] A dealer and [~~wrecker of vehicles~~] auto

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1 recycler licensee shall maintain a record in a form [~~as~~]
2 prescribed by the department of:

3 (1) every vehicle of a type subject to
4 registration pursuant to the provisions of the Motor Vehicle
5 Code that is bought, sold or exchanged by the licensee or
6 received by the licensee for sale or exchange;

7 (2) every motor vehicle body, chassis or
8 engine [~~which~~] that is sold or otherwise disposed of; and

9 (3) every such vehicle [~~which~~] that is bought
10 or otherwise acquired and dismantled by the licensee.

11 B. Every record required to be maintained pursuant
12 to Subsection A of this section shall state the name and
13 address of the person from whom the vehicle was purchased or
14 acquired and the date of the purchase and the name and address
15 of the person to whom the vehicle or the motor vehicle body,
16 chassis or engine was sold or otherwise disposed of and the
17 date of the sale or disposition and a sufficient description of
18 every vehicle or motor vehicle body, chassis or engine by name
19 and identifying numbers sufficient to identify the vehicle or
20 motor vehicle body, chassis or engine.

21 C. [~~Every~~] A title service company licensee shall
22 maintain a record of:

23 (1) every temporary registration plate issued;

24 (2) every title and registration application
25 accepted for processing; and

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1 (3) any other information prescribed by the
2 department.

3 D. Every record required to be maintained pursuant
4 to the provisions of this section shall be retained for a
5 period of three years from the end of the year in which the
6 record was created and shall be open to inspection by any peace
7 officer or officer of the department during reasonable business
8 hours. If the licensee fails to maintain the records required
9 or to permit their inspection during reasonable business hours,
10 the license becomes invalid."

11 Section 12. Section 66-4-6 NMSA 1978 (being Laws 1978,
12 Chapter 35, Section 219, as amended) is amended to read:

13 "66-4-6. PLACE OF BUSINESS. --

14 A. No license shall be issued to a dealer or
15 [~~wrecker of vehicles~~] auto recycler unless an established place
16 of business as defined in the Motor Vehicle Code is maintained
17 by the dealer or [~~wrecker of vehicles~~] auto recycler. Each
18 license to carry on or conduct the business of a dealer or
19 [~~wrecker of vehicles~~] auto recycler becomes invalid when the
20 licensee fails to maintain an established place of business as
21 defined in the Motor Vehicle Code.

22 B. No license shall be issued to a title service
23 company unless that company maintains a physical place of
24 business accessible to the public and provides the department
25 with the physical address of that place of business. [Each

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1 ~~such]~~ A place of business shall be open to inspection by a
2 peace officer or the department during reasonable business
3 hours. The license of the title service company may be
4 suspended or canceled if the title service company fails to
5 maintain a place of business accessible to the public or does
6 not allow inspection during reasonable business hours by a
7 peace officer or the department. "

8 Section 13. Section 66-4-7 NMSA 1978 (being Laws 1978,
9 Chapter 35, Section 220, as amended) is amended to read:

10 "66-4-7. DEALERS, WHOLESALERS, DISTRIBUTORS AND ~~[WRECKERS~~
11 ~~OF VEHICLES]~~ AUTO RECYCLERS--TITLE SERVICE COMPANIES--DEALERS
12 OF MOTORCYCLES ONLY--BOND.--

13 A. Before issuance of any dealer's license,
14 wholesaler's license, distributor's license, ~~[wrecker of~~
15 ~~vehicles]~~ auto recycler's license or title service company
16 license, the applicant shall procure and file with the
17 department a corporate surety bond in the amount of fifty
18 thousand dollars (\$50,000). An applicant for a dealer's
19 license for motorcycles only shall procure and file with the
20 department a corporate surety bond in the amount of twelve
21 thousand five hundred dollars (\$12,500). The corporate surety
22 shall be licensed by the public regulation commission or a
23 successor entity to do business in this state as a surety and
24 the form of the bond shall be approved by the attorney general.
25 The bond shall be payable to the state for the use and benefit

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underscored material = new
[bracketed material] = delete

1 of the purchaser and [~~his~~] the purchaser's vendees, conditioned
2 upon payment of any loss, damage and expense sustained by the
3 purchaser or [~~his~~] the purchaser's vendees, or both, by reason
4 of failure of the title of the vendor, by any fraudulent
5 misrepresentations or by any breach of warranty as to freedom
6 from liens on the motor vehicle or motorcycle sold by the
7 dealer, wholesaler, distributor, dealer of motorcycles only or
8 [~~wrecker of vehicles~~] auto recycler. The bond shall be
9 continuous in form and limited to the payment of fifty thousand
10 dollars (\$50,000) in total aggregate liability on a dealer's
11 license, wholesaler's license, distributor's license, [~~wrecker~~
12 ~~of vehicles~~] auto recycler's license or a title service company
13 license and twelve thousand five hundred dollars (\$12,500) on a
14 dealer's license for motorcycles only.

15 B. No applicant for a dealer's license,
16 wholesaler's license, distributor's license or dealer's license
17 for motorcycles only who files bond in the amount and form
18 specified in Subsection A of this section shall be required to
19 file any additional bond to conduct a business of wrecking or
20 dismantling motor vehicles or motorcycles. Conversely, no
21 applicant for [~~a wrecker of vehicles~~] an auto recycler's
22 license who files bond in the amount and form specified in
23 Subsection A of this section shall be required to file any
24 additional bond to conduct a business of dealer, distributor,
25 wholesaler or dealer of motorcycles only.

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underscored material = new
[bracketed material] = delete

1 C. In lieu of the bond required in this section,
2 the dealer, wholesaler, distributor, [~~wrecker of vehicles~~] auto
3 recycler or dealer of motorcycles only may elect to file with
4 the department the equivalent amount of cash or bonds of the
5 United States or New Mexico or of any political subdivision of
6 the state.

7 D. The license of a dealer, wholesaler, distributor
8 or [~~wrecker of vehicles~~] auto recycler or of a title service
9 company may be suspended or canceled if the dealer, wholesaler,
10 distributor, [~~wrecker of vehicles~~] auto recycler or title
11 service company fails to have in effect the required bond or
12 other security. "

13 Section 14. Section 66-6-17 NMSA 1978 (being Laws 1978,
14 Chapter 35, Section 352, as amended) is amended to read:

15 "66-6-17. SPECIAL DEALER PLATE FEES. --

16 A. Except as provided otherwise in Subsection C of
17 this section, every dealer or [~~wrecker of vehicles~~] auto
18 recycler, except a dealer in motorcycles only, shall pay each
19 license year fifty dollars (\$50.00) for each special dealer
20 plate issued pursuant to Section 66-3-402 NMSA 1978 to the
21 dealer or [~~wrecker~~] recycler for that license year.

22 B. Except as provided otherwise in Subsection C of
23 this section, every dealer in motorcycles only shall pay each
24 license year ten dollars (\$10.00) for each special dealer plate
25 issued pursuant to Section 66-3-402 NMSA 1978 to the dealer for

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[bracketed material] = delete

1 that license year.

2 C. In the event ~~[any]~~ a special dealer plate is
3 lost, mutilated or becomes illegible, a dealer, ~~[wrecker of~~
4 ~~vehicles]~~ auto recycler or dealer in motorcycles only shall
5 obtain a replacement plate pursuant to the provisions of
6 Section 66-3-24 NMSA 1978. The fee for a replacement special
7 dealer plate shall be fifty dollars (\$50.00) for a dealer or
8 ~~[wrecker of vehicles]~~ auto recycler and ten dollars (\$10.00)
9 for a dealer in motorcycles only. "

10 Section 15. Section 66-6-18 NMSA 1978 (being Laws 1978,
11 Chapter 35, Section 353, as amended) is amended to read:

12 "66-6-18. LICENSE FEE FOR DEALERS, WHOLESALERS,
13 DISTRIBUTORS, ~~[AND WRECKERS OF VEHICLES]~~ AUTO RECYCLERS AND
14 TITLE SERVICE COMPANIES.--For a license to do business as a
15 dealer, wholesaler, distributor ~~[or wrecker of vehicles]~~ or any
16 combination of the foregoing or as an auto recycler or as a
17 title service company, there shall be paid a fee of fifty
18 dollars (\$50.00) for each license year or portion thereof. "

19 Section 16. Section 66-8-5 NMSA 1978 (being Laws 1978,
20 Chapter 35, Section 503) is amended to read:

21 "66-8-5. SUSPENDING OR REVOKING CERTIFICATE OR SPECIAL
22 PLATES OF A MANUFACTURER, DEALER OR ~~[WRECKER OR VEHICLES]~~ AUTO
23 RECYCLER.--The division may suspend or revoke a certificate or
24 the special plate issued to a manufacturer, dealer or ~~[wrecker~~
25 ~~of vehicles]~~ auto recycler upon determining that ~~[any said]~~ the

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~~[bracketed material] = delete~~

1 person is not lawfully entitled thereto or has made or
2 knowingly permitted any illegal use of such plate or has
3 committed fraud in the registration of vehicles. "

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